

# **Exhibit 1**

**to Rule 56(d) Declaration of Pamela Starsia, Esq.:  
Email from Pamela Starsia to Elmer Woodard, Esq.,  
dated April 20, 2018**



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**Cantwell v Gorcenski et al (WDVA 3:17-cv-00089): Plaintiff's Motion for Partial Summary Judgment**

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**Pam Starsia** <pamstarsia@starsialaw.com>

Fri, Apr 20, 2018 at 5:35 PM

To: Elmer Woodard <isuecrooks@comcast.net>

Cc: Sandra Freeman <sandra.c.freeman@gmail.com>, Moira Meltzer-Cohen <meltzercohen@gmail.com>

Mr. Woodard--

We have reviewed Plaintiff's motion and supporting brief filed today for partial summary judgment against Defendant Kristopher Goad in the above-captioned case. After review of the filing, counsel for Goad believe this motion to be in violation of FRCP Rule 11. The legal contentions for partial summary judgment against Mr. Goad at this stage of the proceeding are wholly unwarranted by existing law or by a nonfrivolous argument for extending modifying, or reversing existing law or for establishing new law. As such there is no apparent proper purpose for this motion.

Without limiting any arguments on this issue, we note that the brief itself identifies a large number of disputed facts in this case, many of which Defendant Goad has specifically denied in his answer. It is wholly untrue and materially misleading for Plaintiff to state that there are no disputed questions of material fact with respect to this claim.

Furthermore, during the March 5 scheduling conference before Judge Hoppe, counsel for both sides agreed that substantial discovery would be necessary in this case. We discussed at length the need for scheduling of numerous depositions and the time that might be required to complete those. In light of those discussions, it is perplexing that Plaintiff would now assert that his claim against Mr. Goad is ripe for summary judgment when no discovery has yet been conducted.

Finally, and again without limiting any future arguments, Plaintiff's Motion for Leave to Amend his Complaint is still pending before the court, and the proposed amended complaint contains a number of new factual allegations against Mr. Goad. The motion for partial summary judgment is improper while the Motion for Leave to Amend is still pending.

We believe this filing to be frivolous, and filed solely for the purpose of harassing, causing an unwarranted delay, and/or unnecessarily increasing the cost of litigation for our client. This is particularly disturbing in light of Defendant Goad's status as a witness in the ongoing criminal proceedings against Plaintiff, in that the frivolous filing also constitutes witness harassment and intimidation.

As a pre-motion courtesy, we are sending this email to request that Plaintiff withdraw this filing immediately to avoid the unnecessary cost of responding. If you do not withdraw the motion, counsel will prepare a motion seeking sanctions under Rule 11, and will seek costs and fees for the time spent preparing the Rule 11 motion, in addition to all other available rights and remedies. Defendant Goad expressly reserves all arguments, claims, and defenses available to him at law or equity.

Sincerely,  
Pam Starsia

**Pam Starsia**

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